

**CITY OF MILWAUKEE
DEPARTMENT OF EMPLOYEE RELATIONS
OFFICE OF DIVERSITY AND OUTREACH
FORMAL COMPLAINT INVESTIGATION PROCESS**

The process begins with an initial interview of the complainant. The interview serves the limited purpose of establishing that the complainant is a City of Milwaukee employee and that the complaint involves a legal basis of discrimination covered under *Title VII of the Civil Rights Act or the Americans with Disabilities Act of 1990* or that the complaint involves an allegation of a violation of the City of Milwaukee's Anti-Harassment or Workplace Violence Prevention policy. If the facts as alleged do not constitute a prohibited form of discrimination, an investigation will not be conducted, however, alleged violations of the City of Milwaukee's Anti-Harassment and Workplace Violence Prevention policies will be investigated.

Because of the statute of limitations on certain claims and witness availability, a discrimination complaint must be filed within a reasonable time following the occurrence of the alleged violation, unless the discrimination is continuing, in which case the complainant should file the complaint as soon as possible. While there is no statute of limitation on violations of City's Anti-Harassment or Workplace Violence Prevention policies, complaints must be filed as soon as possible.

The complainant's allegations are determined from the complaint form *and/or* the complaint intake interview. Therefore, it is important that the complainant provide a detailed account of any information surrounding the alleged discrimination, harassment or violence, along with specific dates, names of persons responsible for the alleged violation, *names of persons who may of witnessed the alleged violation*, and any background information the complainant believes to be relevant.

Once it has been determined that the complainant has made a prima facie case of discrimination an investigation will commence. The department head or designee will be contacted and advised of the complaint. The department head or designee will be also be requested to advise the respondent(s) against taking any retaliatory measures against the complainant. The respondent and any witnesses will be interviewed and any relevant data submitted by the complainant and/or respondent will be reviewed. If by a preponderance of the evidence the investigation concludes that discrimination, harassment or violence occurred, an Investigative Summary will be sent to the department head. The Investigative Summary may include recommendations for discipline, training and counseling. It is important for the complainant to understand that the respondent's right to privacy outweighs the complainant's right to be informed of the specific recommendation(s). It is equally important that the complainant understand that the City of Milwaukee is committed to providing a workplace that is free of discrimination, harassment or violence and reported violations are taken very seriously. Each recommendation will be commensurate with the violation. If the investigation does not disclose any discrimination, harassment or violence, the complainant, respondent and department head will be informed of the decision.